

**UNITED STATES DISTRICT COURT**  
 for the  
 Western District of North Carolina

United States of America	)	
v.	)	
MICHAEL ANTHONY CHERRY	)	Case No: <u>DNCW507CR000040-001</u>
a/k/a "Pops"	)	USM No: <u>12587-058</u>
Date of Original Judgment: <u>May 4, 2009</u>	)	
Date of Last Amended Judgment: <u>N/A</u>	)	<u>Pro Se</u>
	)	Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ is reduced to \_\_\_\_\_

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Original Offense Level: <u>34 (Career Offender)</u>	Amended Offense Level: <u>34 (Career Offender)</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Original Guideline Range: <u>262 to 327 months</u>	Amended Guideline Range: <u>262 to 327 months</u>

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.
- Other (explain): Due to the defendant's classification as a Career Offender, there is no change in the guideline calculations and Amendment 750 is not applicable in this case.

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated May 4, 2009, shall remain in effect.

**IT IS SO ORDERED.**

Order Date: July 23, 2012

Effective Date: \_\_\_\_\_  
 (if different from order date)



Richard L. Voorhees  
 United States District Judge

